

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NEW YORK

In re:

BRICKCHURCH ENTERPRISES, INC.,

Debtor.

Chapter 11

Case No. 22-70914-ast

**[PROPOSED] ORDER RESOLVING DEBTOR’S MOTION FOR ENTRY OF AN
ORDER STRIKING, VOIDING AND AVOIDING LIEN FILED IN VIOLATION OF
THE AUTOMATIC STAY (11 U.S.C. § 362(k)) AND FOR SANCTIONS (DOC. NO. 168)**

Upon Debtor Brickchurch Enterprises, Inc.’s (“*Debtor*”) Motion for Entry of an Order Striking, Voiding and Avoiding Lien filed in Violation the Automatic Stay (11 U.S.C. §362(k)) and for Sanctions (Doc. No. 168) (the “*Motion*”), and the Court having held a hearing on the Motion, and upon the Internal Revenue Service’s (“*IRS*”) admission that the Federal Tax Liens are to be withdrawn, and for other good cause, it is hereby ORDERED as follows:

1. The IRS will promptly withdraw, pursuant to 26 U.S.C. § 6323(j), the four Notices of Federal Tax Liens filed with the Suffolk County Clerk on August 17, 2022 against the Debtor as Nominee of Louise T. Blouin. The four Notices of Federal Tax Liens affected by this paragraph are in the following stated amounts and have the following recording numbers: (i) \$1,298,263.09 – SEQ # LFED00034064; (ii) \$1,697,948.23 - SEQ # LFED00034062; (iii) \$1,844,814.71 - SEQ # LFED00034060; and (iv) \$429,990.772 - SEQ # LFED00034058.

2. Debtor may file a copy of this Order in the real property records and with the Clerk’s Office of Suffolk County, New York, to document the withdrawal of the Federal Tax Liens pursuant to 26 U.S.C. § 6323(j), which shall have the same effect as if the IRS withdrew the Federal Tax Liens voluntarily.

3. The IRS is not required to take any action with respect to the other Notices of Federal Tax Lien identified in the Motion.

4. Nothing in this paragraph waives any right that Ms. Blouin may have to dispute that she is liable for the trust fund recovery penalties.

5. The distribution of the DIP loan proceeds will only be in accordance with the DIP Order (ECF Doc. 172). Ms. Blouin shall not receive any proceeds from the loan, except upon order of court entered upon motion, duly noticed to the IRS and Bay Point Capital Partners II, LP; *provided, however*, and nothing contained herein shall alter or otherwise amend the DIP Order or the terms thereof.

SO ORDERED:

Alan S. Trust, Chief Bankruptcy Judge